

CITY OF GLOUCESTER
PLANNING BOARD

March 15, 2018

6:00 P.M.

Kyrouz Auditorium - 9 Dale Ave, Gloucester

Richard Noonan, Chair

MINUTES

Members Present: Rick Noonan- Chair, Doug Cook, Jonathan Pratt, Jane Remsen, Henry McCarl, Shawn Henry, Beverly Bookin

Staff: Gregg Cademartori- Planning Director, Jacquelyn Rose- Recording Secretary

Chair Rick Noonan opened the meeting at 6:04 pm

I. BUSINESS

- A. Approval of Outstanding Minutes for March 1, 2018 was continued to the next meeting.
- B. Public Comment - None.

II. CONSENT AGENDA

Planning Board to consider a Site Plan Review modification submitted by Happy Valley Ventures, LLC for the Medical Marijuana Dispensary and Cultivation Facility under construction at 38 Great Republic Drive (Assessors Map 263 , Lot 64).

Joel Favazza, Attorney at Seaside Legal Solutions, explains that they are requesting to narrow the fire lane in the rear of the property. In the first site plan review the applicant sought a 16 foot fire lane in the rear of the property to make use of the existing retaining wall. As part of the departmental review, the fire chief asked that they demonstrate that the largest ladder truck would be able to safely get through, which it did. Mr. Favazza continues that the ladder truck was tight so to fix it they designated three parking spots to be compact car parking only. However it then was asked that they move it to 20 feet in width so the ladder truck would be able to come through. Two requirements were to extend the fire lane to 20 feet wide and get certification that the fire lane could hold a 80,000 pound vehicle. Mr. Favazza continues that when site work began and they went to widen the fire lane and, the workers explained that they could not come up vertically from the retaining wall and backfill the additional four feet. In order to achieve the extra four feet they have to remove the boulders and form a concrete wall, which creates difficulties in time, expense, and also because the existing wall is nesting on the edge of a wetland resource area. The applicant is now asking to bring the fire lane back to the original 16 feet in width. Mr. Favazza explains that he examined the code that regulates fire access lanes and found that 16 feet was sufficient by the state law, which says the fire lane much be within 50 feet of the building and not more than 150 feet from any first floor building. Mr. Favazza adds that another requirement is to have the property cleared for snow removal, that no snow banks will be allowed. The building is made of non combustible material, and the entire property is fully sprinkled.

Mr. Pratt asks if there were any discussions about gaining the additional four feet by extending a different side of the property for clearance. Mr. Favazza answers that there are additional wetlands at the edge of that side as well. The applicant does not want to go any closer to the wetlands than they already are.

Mr. Noonan asks to see the fire chief's confirmation of the original 16 feet. Mr. Cademartori shows the Board.

Mr. Noonan asks Mr. Favazza to explain the treatment for keeping the fire land at 16 feet. Mr. Favazza replies that he would be willing to take a condition to accept a modification that the Applicant requires to keep the property clear of snow at every curb, so in a snow emergency, a ladder truck would be able to move around the property. Mr. Noonan asks about the structural support of the existing wall. Mr. Favazza answers that existing wall was constructed appropriately and as long as they are able to use the existing width provided on site, the wall will be able to provide the 80,000 pound vehicle load certification. Mr. Noonan asks if there is any engineering support to establish the certification. Mr. Favazza replies that he can obtain a letter from the crew that is there now saying they are concerned about building on top of the wall. Mr. Noonan explains that from a non engineering perspective, four feet is not a lot, and they are not looking to modify the 80,000 pound certification. Mr. Cademartori answers that it was the condition of the fire chief, and at some point they will receive a certification that it does satisfy it. Mr. Noonan replies that there should be guidance from an engineer stating that they can still certify that it meets the 80,000 pound requirement.

John Judd, engineer for the Site Plan, explains that as part of the Plan detail sheet, they have proposed to remove a substantial amount of material behind the wall, put in a filter fabric, put structural fill back in and run Proctor tests for the density. This will allow them to see the structural integrity is behind the wall.

Ms. Remsen asks if Mr. Noonan's question is regarding the certifiability of four feet or structural integrity of the existing wall. Mr. Noonan replies that the first Site Plan Review had a 20 foot fire lane holding 80,000 pounds, and as the project has gone forward, the proposed plan is not achievable. Mr. Judd replies that they have had site meetings with both Masterson and Ryan Construction, and Masterson feels comfortable by gaining the four feet he can put in a guardrail and appropriate fencing that is required. Mr. Noonan replies that this is more about fitting appliances. Mr. Judd agrees.

Mr. Pratt explains that the Board needs to hear that 80,000 pounds is still achievable with 16 feet. Mr. Henry agrees with Mr. Pratt and explains that while 16 feet is doable, it does not seem like there has been an engineering assessment with conditions made.

Mr. Judd explains that when the first Site Plan was approved, they had 16 feet and the Board requested 20 feet based on the fire chiefs request. It is not the compaction of soil type, it is more about fitting what is needed.

Mr. Pratt explains that from an engineering perspective, 16 feet is sound in regards to the 80,000 pound certification. Mr. Judd replies that 16 feet is adequate and easily provides movement for the largest fire vehicle.

Mr. Noonan asks Mr. Judd to explain the 80,000 pound certification process. Mr. Judd replies that as fill is being put back in, there is 10 feet of filter fabric against the wall that will be removed in order to ensure the wall is structurally adequate. As they are putting it back in, they are going to be compacting it with rollers, conducting Proctor and density tests to ensure it is T- 99 AASHTO density sufficed. Mr. Judd continues that he requested that Masterson and Ryan, and the geotech be onsite to witness the testing.

Mr. Noonan explains that if they cannot demonstrate that 16 feet is adequate then the Board cannot approve it.

Mr. Cook explains that if they find that 16 feet is not adequate, the Applicant could do more structural wall making if need be. Mr. Judd replies that they have the ability to correct if there is any issue with the soil.

Mr. Cademartori asks what the time frame is for the project. Mr. Favazza replies that the building is in need of work, but once the snow melts they can finish site work and landscaping. From an operational standpoint, the Applicant will hold a job fair in the summer, so the doors will not open until the end of 2018 or early 2019. Mr. Favazza continues that in regards to the 16 feet, they are at the point in process that they have to make it work because the fire land needs to be there. Mr. Cademartori explains that if it will be 6-8 months before occupancy, there should be reporting established when complete, hopefully within the next 2-3 months.

Mr. Henry explains that he is in favor of moving forward. Points to the fact that need to address the shortcomings of current ordinance that differs from the fire departments and state recommendations. Mr. Favazza explains that the state code says 16 feet is sufficient. Mr. Henry continues that the state now recommends a 20 foot pathway as opposed to 16 feet that the City mandates. Mr. Cademartori explains that there have been a number of changes to the fire code in the last 18 months, and the state and local code should merge.

Ms. Bookin asks when this is approved, during the building process, is the fact that the building official and engineering official check the matters and check that the conditions are being filled. Mr. Cademartori explains that in this case, the Applicant identified a field condition that was different than proposed, and started circulating through the departments.

Mr. Noonan explains that the conditions made are curb snow removal and updating the Board certification process for 80,000 pounds.

Motion to approve Site Plan Review modification submitted by Happy Valley Ventures, LLC for the Medical Marijuana Dispensary and Cultivation Facility under construction at 38 Great Republic Drive (Assessors Map 263 , Lot 64) was made by Mr. Pratt, seconded by Mr. Cook and unanimously approved.

III. CONTINUED PRELIMINARY SUBDIVISION APPLICATION

In accordance with MGL Chapter 41 Section 81-S, the Planning Board's Rules and Regulations Governing the Subdivision of Land in Gloucester, the Planning Board shall review a Form B Preliminary Plan submission for land located at 12R Wolf Hill Way (Assessors Map 88 Lots 22,23,24,25) submitted by Wolf Hill Trust, William Friend.

Motion to continue to the next regular meeting on April 5, 2018 was made by Ms. Remsen, seconded by Mr. Pratt, and unanimously approved.

IV. **OTHER BUSINESS**

A. Informal Discussion of Recreational Marijuana Zoning

Mr. Jim Destino, resident of 14 Morton Place, explains to the Board that they have full recommendation and referral on the zoning for recreational marijuana. It is important that this be done correctly. Request the board look at the documents presented, which are setback changes for medical marijuana from 1500 feet to 500 feet, recreational ordinance, and the use tables that correspond to where retail marijuana will be sold. Gloucester can take a vote by City Council to limit the number of retail marijuana operations to three, and control it by zoning. Mr. Destino urges the Board not to rush this process and to get as much public input as possible. Mr. Destino continues that in other communities, retail marijuana operations were located in areas such as industrial parks.

Mr. McCarl explains that Happy Valley has additional property, which will most likely service the recreational market. This is an economic opportunity for the City, and by putting retail operations in an industrial park, the 500 foot restriction is more reasonable. Mr. McCarl continues that there is a question of whether Blackburn would be the only location for a facility, or if it could extend to either Kondelin Road or Pond Road.

Mr. Destino agrees that this will be a good source of revenue for the City. There is a worry about the business part of the facility because it is still Federally illegal, and would have to be a cash only business. The question is how will the reporting of gross sales be done correctly. The companies can opt to use smaller banks.

Mr. Pratt argues that location for the facilities matter greatly. They should not be located in downtown, but in a safer, less vulnerable location. Mr. Destino replies that those are the two thoughts at the moment: whether to put facilities where it is visible or in a remote area.

Mr. Henry discusses that having a recreational facility in a business park makes sense to have adequate parking. Overreacted with fear of medical marijuana and failed to treat it as medical. Mr. Henry asked if there was any discussion with the task force about the recreational ordinances, and to destigmatize medicinal use. Mr. Destino replies that in their recommendations, the setbacks went from 1500 feet to 500 feet, and if it does not fit something can be changed.

Mr. Noonan adds that there could possibly be an issue with the odor of the facilities. An important part of the process is finding a location that can accomodate heavy trip days.

Ms. Bookin explains that looking at other state's regulations and ordinances on medical and recreational marijuana facilities is a good place to start. By looking at their mistakes and achievements the City can find what may or may not works.

Mr. Pratt explains that there should be a major difference between medical and recreational marijuana. Mr. Henry adds that that is one of the continued problems, and medical marijuana should be destigmatized.

Mr. Cademartori adds that the task force started meeting February 2016 and took until March 9 for the Cannabis Coalition to ask for regulations, which has guided what is being shown now. A Zoning Moratorium was passed that is carried through six months of the adoption with regulations, or December of 2018. There are timelines that are important to potential businesses that want to operate. The Cannabis Coalition will start accepting license applications on April 1, 2018. Mr. Cademartori continues that the regulations have a limit of 500 feet, so the state regulations have 500 feet and one proposal is to no longer have a setback from one facility to the other. The receptors of what the setback is from, including churches, schools, playgrounds, libraries, etc. are similar to liquor stores and have a big impact. If the C-B District is included in these receptors, most of Main Street is excluded, showing that business parks are more fitting for these facilities.

B. CPA Update

Mr. McCarl informs the Board that they are in the process of taking applications.

V. **ADJOURNMENT**

Motion to adjourn was made by Mr. McCarl, seconded by Mr. Cook, and unanimously approved.

VI. **NEXT MEETING**

Next regular meeting of the Planning Board April 5, 2018

Planning Board Members: If you are unable to attend the next meeting please contact the Planning Office at (978)325-5235.